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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

* * * * *

ANNE ANDERSON, et al.

vs

CRYOVAC, Division of W. R. Grace & Co.;
W. R. GRACE & CO.; JOHN J. RILEY COMPANY,
Division of Beatrice Foods Co; BEATRICE
FOODS CO.

Civil Action
No. 82-1672-S

* * * * *

Deposition of EDWARD ORAZINE, taken on
behalf of the Plaintiffs, pursuant to the applicable
provisions of the Federal Rules of Civil Procedure,
before Valerie T. Wong, Notary Public within and for the
Commonwealth of Massachusetts, at the offices of Foley,
Hoag & Eliot, One Post Office Square, Boston,
Massachusetts, commencing at 10:50 o'clock A.M. on Friday,
July 26, 1985.

Appearances:

Jan Richard Schlichtmann, Esq.

Kevin P. Conway, Esq.

171 Milk Street

Boston, Massachusetts

for the Plaintiffs.

William J. Cheeseman, Esq.

Foley, Hoag & Eliot

One Post Office Square

Boston, Massachusetts

for the Defendant W. R. Grace & Co.

Susan G. Winkler, Esq.

Hale & Dorr

60 State Street

Boston, Massachusetts

for the Defendant Beatrice Foods Co.

Kevin J. O'Dea, Esq.

20 Ashburton Place

Boston, Massachusetts

for the Deponent.

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I N D E X

<u>Deposition of:</u>	<u>Direct</u>	<u>Cross</u>
Edward Orazine	6	--

LAWYER'S NOTES

[illegible]

LAWYER'S NOTES

[illegible]

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2 MR. CHEESEMAN: This deposition, at
3 Mr. O'Dea's request, is being taken pursuant to a
4 modified Rule 31 procedure, that is a deposition of
5 written interrogatories although counsel are present
6 in the room.

7 We have asked, and Mr. Schlichtmann
8 agreed, that he provide the questions to us in
9 advance in written form, which he has done. We have
10 reviewed them, or rather Mr. O'Dea has reviewed
11 them with the witness, and this morning we have
12 agreed to modify the questions slightly. With
13 those modifications, the Defendant W. R. Grace
14 withdraws its objection to the form which was
15 submitted to Mr. Schlichtmann a day or two ago.

16 We have also agreed that when the
17 questions have all been read and the answers taken
18 down by the stenographer, that we will take a
19 break and Mr. Schlichtmann can prepare any follow-
20 up questions he would like to ask, and then we will
21 reconvene after a little while and go through
22 those additional questions. You can certainly
23 follow the same procedure if there should be any
24 cross examination.

25 Objections and motions to strike, other

1
2 than with respect to matters of form, are reserved,
3 and the deposition transcript may be signed by the
4 witness under the pains and penalties of perjury
5 rather than before a notary public.

6 MR. SCHLICHTMANN: Right.

7 MR. CHEESEMAN: And the filing of the
8 transcript will be waived.

9 MR. SCHLICHTMANN: Okay.

10 MR. CHEESEMAN: Is that agreeable?

11 MR. SCHLICHTMANN: Very agreeable.

12 MR. CHEESEMAN: I just want to state
13 this modified Rule 31 procedure had been agreed to
14 by stipulation of parties at the request of
15 Mr. O'Dea, the witness's attorney, because the
16 witness has had a long-standing hypertensive
17 condition and is concerned about stress that a
18 deposition may cause.

19 (Discussion off the record)

20 MR. CHEESEMAN: Because we have made
21 some changes to the questions, I will sit by the
22 stenographer.

23 MR. SCHLICHTMANN: I think it will be
24 easier.

25 MR. CHEESEMAN: And I'll help her with

1
2 the questions.

3 If you don't understand any of these
4 questions that are read to you, just say so and
5 we will figure out how to clarify it so you do
6 understand. If you need to take a break at any
7 point during the session to stretch your legs or
8 any other reason, I am sure Mr. Schlichtmann and
9 I will have no objection to taking a break. And
10 feel free to speak to Mr. O'Dea from time to
11 time.

12 MR. SCHLICHTMANN: That is perfectly
13 all right.
14

15 EDWARD ORAZINE,

16 a witness called by the Plaintiffs, first having
17 been duly sworn, on oath deposes and says as
18 follows:
19

20 Direct Examination

21 Q (By the reporter) Please state your name, address
22 and present association with W. R. Grace.

23 A Edward Orazine, 7 Chetwynd Road, Cambridge, Mass.
24 I have no present association; I am retired. I
25 had worked part-time up until May and I have taken

1
2 the summer months off.

3 Q Please describe the years you worked for W. R.
4 Grace and describe your various positions and
5 duties during that period.

6 A From 1955 to 1984.

7 I was hired as an electrician and done
8 electrical work. I done some mechanical work,
9 assembly work. I was a group electrical leader,
10 group leader of the electrical department. At
11 that time I built control panels, repaired
12 machines, wired machines. I have done service
13 work throughout the country and Canada for the
14 repairing and setting up of our equipment.

15 I was a leadman assembly. My job as
16 leadman assembly still had the electrical depart-
17 ment and I was running the mechanical department
18 under my foreman. In 1979, I was made foreman of
19 the assembly department, still worked in the -- I
20 still worked, done the electrical work, designing
21 control circuits and panels. I picked one of my
22 top mechanics out and had him run the mechanical
23 part for me under my supervision so I would have
24 more time to spend with the electrical control
25 wiring that I was still performing even though I

1
2 was foreman.

3 MR. CHEESEMAN: If that is the complete
4 answer, can we stop for a minute?

5 (Discussion off the record)

6 Q Do you have any knowledge concerning, or are you
7 aware, whether or not waste chemicals or waste
8 liquid were ever disposed of on W. R. Grace's
9 property in Woburn by disposal of the material
10 down drains?

11 A I'm not aware of any chemicals going down into the
12 drains.

13 Q Do you have any knowledge concerning, or are you
14 aware, whether or not waste chemicals or waste
15 liquid were ever disposed of on W. R. Grace's
16 property in Woburn by disposal of the material
17 on the ground?

18 A I can recall at times seeing some outside the
19 warehouse door, signs of oil. It seemed at times
20 they may be people changing the oil in their car
21 and may have spilled some.

22 MR. CHEESEMAN: If I can interrupt at
23 this point.

24 Are you aware of any other instances
25 where chemicals or waste liquid may have been

1
2 disposed of on W. R. Grace's property in Woburn by
3 disposal of the material on the ground apart from
4 the automobile oil that you just mentioned?

5 THE WITNESS: Oh, yes. I became aware
6 at one time, and I don't recall exactly when, the
7 whole plant was called into the cafeteria --

8 MR. O'DEA: The issue was --

9 MR. CHEESEMAN: This is still on the
10 ground rather than excavation. Were there any
11 other instances of on the ground apart from the
12 automobile oil?

13 THE WITNESS: No, sir.

14 MR. CHEESEMAN: Okay.

15 THE WITNESS: I recall there was a plant
16 meeting, and I don't recall exactly the date, but
17 I know that the whole plant was called into the
18 cafeteria and it was explained -- we were told that
19 the EPA was told that Cryovac had some drums in the
20 yard and they were going to dig up.

21 I then recall at one time standing by
22 the shipping room door after the digging was going
23 on, seeing what appeared to be a drum or a piece
24 of a drum hanging in the air.

25 MR. CHEESEMAN: If you don't mind my

1
2 doing it this way: Apart from your having observed
3 the drum being removed from the ground you just
4 described, do you have any knowledge, or are you
5 aware, of any other instances where waste
6 chemicals or waste liquid were ever disposed of on
7 W. R. Grace's property in Woburn by disposal of
8 the material in any excavated areas, either in
9 drums or liquid form?

10 THE WITNESS: I have no knowledge of
11 that.

12 MR. CHEESEMAN: Off the record.

13 (Discussion off the record)

14 MR. CHEESEMAN: We just discussed off
15 the record whether subparts A, B, C, D and E of
16 Question 3 submitted by Mr. Schlichtmann should be
17 read, and it has been agreed for the moment, in
18 view of the answer, they need not be read but the
19 plaintiffs, of course, will consider whether to
20 ask questions like that when we resume after the
21 break.

22 We will now go on to Question 4.

23 (Discussion off the record)

24 MR. CHEESEMAN: If I may just explain
25 the procedure, Mr. Orazine. Question No. 4 that

1
2 has been submitted by Mr. Schlichtmann's office
3 is asking whether you had any conversations with
4 anyone relating to the event that you described
5 previously of watching some material being
6 excavated from the hole in the back.

7 THE WITNESS: I think at the time of
8 the meeting I overheard, as we were coming out of
9 the meeting or sometime after that, I overheard a
10 conversation that mentioned Frank Kelly's name as
11 knowing something about the drums. I don't recall
12 who it was that was speaking.

13 MR. CHEESEMAN: Let me suggest that the
14 stenographer ask the three follow-up questions to
15 Question 4.

16 (Discussion off the record)

17 Q Please describe the full extent of the conversa-
18 tion. Please indicate as best you remember what
19 you said and what the other parties said from the
20 beginning of the conversation until the end.

21 A I have very little memory of it. All I can
22 remember is that Frank Kelly's name came up;
23 someone mentioned Frank Kelly's name and mentioned
24 the word "drums."

25 MR. CHEESEMAN: Is that all you

remember of the conversation?

THE WITNESS: That is about all I can remember.

Q Please describe the persons involved.

A I don't know who the person was that was speaking. I wasn't facing the person; I was walking away. I just happened to overhear something.

Q Please describe the date and place of the conversation.

A I can't remember the date. I think it was on the way out of the cafeteria after the meeting that I had specified.

MR. O'DEA: That is the meeting you described in response to Question 3 of the excavated area?

THE WITNESS: Yeah.

Q Did you at any time instruct, authorize, request or otherwise order any individuals to dispose of waste material or waste liquid down any drains of the W. R. Grace property in Woburn?

A I do not ever remember doing this.

Q Did you at any time instruct, authorize, request or otherwise order any individuals to dispose of waste material or waste liquid on the ground of

the W. R. Grace property in Woburn?

A I have no memory of ever doing that.

Q Did you at any time instruct, authorize, request or otherwise order any individuals to dispose of waste material or waste liquid in any excavated areas of the W. R. Grace property in Woburn?

A I have no memory of ever doing that.

MR. CHEESEMAN: Mr. Schlichtmann was out of the room for a telephone call briefly. He is now back in the room.

Jan, in view of the negative answers to Question 5, are we agreed we should skip the sub-parts?

MR. SCHLICHTMANN: Yeah.

MR. CHEESEMAN: Okay.

Q Did anyone at any time request, authorize, instruct or order you to dispose of waste material or waste liquid on the W. R. Grace property down drains?

A I have no memory of anyone ever asking me to do so.

Q Did anyone at any time request, authorize, instruct or order you to dispose of waste material or waste liquid on the W. R. Grace property on the ground?

A No one ever told me to do that.

Q Did anyone at any time request, authorize, instruct

or order you to dispose of waste material or waste liquid on the W. R. Grace property in excavated areas?

A No one ever told me to do anything like that.

Q Did anyone at any time request, authorize, instruct or order you to request, authorize, instruct or order any other individuals to dispose of waste material or waste liquid on the W. R. Grace property down drains?

A I have no memory of anyone ever doing so; no.

MR. CHEESEMAN: If I may, Jan.

Mr. Orazine, I want to be sure you understand that this last question is now asking whether anyone ever told you to have someone other than yourself do that. Did you understand that?

THE WITNESS: Yes, sir. No one ever told me to have someone do it.

MR. CHEESEMAN: And the next two questions are similar.

Q Did anyone at any time request, authorize, instruct or order you to request, authorize, instruct or order any other individuals to dispose of waste material or waste liquid on the W. R. Grace property on the ground?

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2 A No one ever asked me to do that.

3 Q Did anyone at any time request, authorize, instruct
4 or order you to request, authorize, instruct or
5 order any other individuals to dispose of waste
6 material or waste liquid on the W. R. Grace
7 property in excavated areas?

8 A No one ever, to my memory, told me to do anything
9 like that.

10 MR. CHEESEMAN: Since those answers to
11 the group of questions under Question 6 were all
12 negative, are we agreed the subparts should be
13 skipped?

14 MR. SCHLICHTMANN: Yes.

15 Q To your knowledge, was Mr. Vincent Forte aware or
16 have any knowledge of, participate in or indicate
17 to you that he had any awareness, knowledge or
18 participation in any of the events described in
19 answers to Questions 3, 4 5 and 6 above?

20 MR. CHEESEMAN: Jan, if I may interject
21 to assist the witness in understanding the next
22 question.

23 This is now asking you whether you have
24 any reason to believe or know that Mr. Forte was
25 aware of any of the events you have described so

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2 far this morning, including the automobile engine
3 oil you have referred to and the removal of a drum
4 or drums from a hole in the back.

5 A He was not aware of the automobile stuff. The only
6 way I remember -- I think Vinnie is the individual
7 that gave the speech in the cafeteria when he told
8 us the EPA would be there, was coming.

9 MR. CHEESEMAN: If I might, Jan. The
10 question is also intended to ask you whether so
11 far as you're aware you have any reason to think
12 Mr. Forte had known about the drums being buried
13 in the hole in the first place.

14 THE WITNESS: I have no way of knowing
15 that.

16 MR. SCHLICHTMANN: Whether Mr. Forte
17 had any knowledge about waste disposal on the
18 property in drains, on the ground or in excavated
19 areas.

20 MR. CHEESEMAN: Why don't you set that
21 up as an additional question? It's a little
22 different from these.

23 As to the subparts to Question 7, Jan,
24 did the answer eliminate, in your judgment, a need
25 to carry them through or do you want to -- I guess

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2 it eliminates A and B.

3 MR. SCHLICHTMANN: Yes.

4 (Discussion off the record)

5 MR. CHEESEMAN: Mr. Orazine, the next
6 several questions are seeking the same kind of
7 information about certain other named individuals.
8 Each of the questions is asking if you have any
9 reason to think or if you have any awareness
10 whether the person named in each of the questions
11 had any knowledge himself of the activities that
12 you have already described, such as the automobile
13 oil and the barrel or barrels removed from the pit
14 in back. Just listen to the questions the
15 stenographer will now be asking you.

16 Q To your knowledge, was Mr. Paul Shalline aware or
17 have any knowledge of, participate in or indicate
18 to you that he had any awareness, knowledge or
19 participation in any of the events described in
20 answers to Questions 3, 4, 5 and 6 above?

21 A No, he didn't.

22 MR. CHEESEMAN: Jan, shall we skip A and
23 B?

24 MR. SCHLICHTMANN: Yes.

25 Q To your knowledge, was Mr. Frank Kelly aware or

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2 have any knowledge of, participate in or indicate
3 to you that he had any awareness, knowledge or
4 participation in any of the events described in
5 answers to Questions 3, 4, 5 and 6 above?

6 A No; other than the conversation that I had, you
7 know, described to you that I had overheard.

8 MR. CHEESEMAN: Jan, does that answer A
9 and B for you?

10 MR. SCHLICHTMANN: Yeah.

11 Q To your knowledge, was Mr. Thomas Barbas aware or
12 have any knowledge of, participate in or indicate
13 to you that he had any awareness, knowledge or
14 participation in any of the events described in
15 answers to Questions 3, 4, 5 and 6 above?

16 A No.

17 MR. CHEESEMAN: Does that take care of
18 A and B?

19 MR. SCHLICHTMANN: Yes.

20 Q To your knowledge, was Mr. Richard Stewart aware
21 or have any knowledge of, participate in or
22 indicate to you that he had any awareness,
23 knowledge or participation in any of the events
24 described in answers to Questions 3, 4, 5 and 6
25 above?

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2 A I have no way of knowing. I never met Mr. Stewart
3 or spoke to Mr. Stewart.

4 MR. CHEESEMAN: Does that take care of
5 A and B?

6 MR. SCHLICHTMANN: Yes.

7 MR. CHEESEMAN: Number 12 is different.

8 Q Did you at any time have any conversation with any-
9 one or indicate to anyone that "nothing will ever
10 grow here" or words to that effect in reference to
11 the area near or between the warehouse and the main
12 building?

13 A I can't ever remember having any conversation like
14 that with anyone.

15 MR. CHEESEMAN: Jan, does that take care
16 of the subparts?

17 MR. SCHLICHTMANN: Yes.

18 MR. CHEESEMAN: That is all the questions
19 here. Shall we adjourn to another room and discuss
20 any follow-up questions?

21 MR. SCHLICHTMANN: Yes.

22 (Recess)

23 MR. CHEESEMAN: We have taken a break
24 and Mr. Schlichtmann and Mr. Conway have prepared
25 some additional questions for the stenographer to

1
2 read to the witness.

3 The first questions will relate to some
4 aerial photographs which have been marked as
5 exhibits in previous depositions in this case. And
6 the first question will relate to Barbas Exhibit 4,
7 which is an aerial photograph dated March 26, 1966
8 on the back.

9 Q Do you have any knowledge that any waste liquid or
10 waste solvents were disposed of by any person
11 where there are markings on the photograph?

12 A I have no knowledge of any waste materials being
13 put in those areas.

14 MR. CHEESEMAN: The next photograph is
15 Barbas Exhibit 5, which contains a date of April 11,
16 1975.

17 Q Do you have any knowledge that any waste liquid or
18 waste solvents were disposed of by any person
19 where there are markings on the photograph?

20 A I have no memory of any material being put there.

21 In this photograph where I mentioned
22 oil, I would put it right by the shipping room
23 door here (Indication) where I have seen spots and
24 stuff.

25 MR. O'DEA: Is that adjacent to the

1
2 letter D?

3 THE WITNESS: Right in this area
4 (Indication).

5 MR. CHEESEMAN: Right by the letter D.

6 THE WITNESS: A little closer to the
7 door by that general area.

8 MR. CHEESEMAN: Okay.

9 THE WITNESS: That is where I have seen
10 oil, oil slicks, spots.

11 MR. CHEESEMAN: What about M1 and PS?

12 THE WITNESS: No, sir. I don't
13 remember anything in M1 or PS. All I can remember
14 is the pit area that the EPA dug up.

15 MR. O'DEA: Okay.

16 MR. CHEESEMAN: And I think the question
17 also referred to the outlined area across the whole
18 back of the building that is marked D.

19 THE WITNESS: I don't recall any
20 chemicals ever being disposed of there in that
21 area.

22 MR. CHEESEMAN: I think those are the
23 markings.

24 (Discussion off the record)

25 MR. CHEESEMAN: The next photograph is

marked Barbas Exhibit 2, and it indicates on the back a date of March 15, 1974.

Q Do you have any knowledge that any waste liquid or waste solvents were disposed of by any person where there are markings on the photograph?

MR. CHEESEMAN: PS.

A I have no recollection of any material being dumped there.

MR. CHEESEMAN: M1?

THE WITNESS: Or M1.

The part that says pit, I have no recollection of a pit being there.

MR. O'DEA: What about this one (Indication), a line with two arrows on it?

THE WITNESS: I don't recall any kind of a ditch there or anything.

MR. O'DEA: The question Ms. Wong asked was whether anything was disposed of, any waste liquid or waste solvents.

THE WITNESS: I have no recollection of anything being disposed of there.

MR. O'DEA: Perhaps we can use the latest photograph as a reference for the next question?

MR. CHEESEMAN: The witness, in answering the next series of questions, will have before him Barbas Exhibit 5, which is an aerial photograph marked as having been taken April 11, 1975.

Q Do you have any knowledge that the drainage trench which ran along the warehouse and is now covered by peastone and asphalt was used by any person or persons to dispose of any waste solvents or liquids at any time?

A I have no knowledge of any waste material being put there.

Q Do you have any knowledge that the drainage trench along the north boundary of the property was used by any person or persons to dispose of any waste solvents or liquids at any time?

A I have no knowledge of waste material being put there.

Q Do you have any knowledge that manholes on the property were used by any person or persons to dispose of any waste solvents or liquids at any time?

MR. CHEESEMAN: With Jan's permission, I will elucidate the last question.

I think he wants you to answer that

without reference to the photograph, just any manholes you're aware of.

A I'm not aware of any material being put in any manholes.

MR. CHEESEMAN: If I can just elaborate upon the question. Do you know that there was a manhole cover on the pavement near the rear of the main building along the center of that wall just outside the chain-link fence?

THE WITNESS: I think I'm aware there is a manhole, that there is a cover.

MR. CHEESEMAN: Specifically, that question included whether you have any knowledge that that manhole at the back of the main building was ever used by any person or persons to dispose of any waste solvents or liquids at any time.

THE WITNESS: To my knowledge, I have never seen it used for disposing of any chemicals or materials in it.

MR. CHEESEMAN: Or did you ever hear anyone suggest it was used for that purpose?

THE WITNESS: And I never heard anyone saying it was.

MR. SCHLICHTMANN: How about the

previous location?

(Discussion off the record)

MR. CHEESEMAN: I think Mr. Schlichtmann means to ask the same question with respect to the previous locations of that manhole before the second addition was built. It was under that area before the first addition was built and under that area (Indication).

THE WITNESS: I don't recall it at that time.

MR. CHEESEMAN: Do you recall seeing or hearing anyone say that material was disposed of in those manholes?

THE WITNESS: Never heard of anyone saying they had disposed of any chemical or material in the manholes.

MR. SCHLICHTMANN: Okay.

Q Do you have any knowledge that storm drains in the property were used by any person or persons to dispose of any waste solvents or liquids at any time?

A I have no knowledge of anyone ever using the storm drains for disposing of chemicals or materials in them.

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2 Q Do you intend to return as an employee to W. R.
3 Grace?

4 A Well, I have got to see my doctor first to see what
5 he says. I hope that I am okay to go back part-
6 time because -- but I have to see him first. I
7 don't know what he will tell me to do.

8 MR. CHEESEMAN: I think the intent was
9 to ask you if your doctor says it is all right for
10 you to resume work, do you intend to resume part-
11 time for Grace?

12 THE WITNESS: I wouldn't mind. I
13 probably would.

14 MR. CHEESEMAN: Okay.

15 (Discussion off the record)

16 (Recess)

17 MR. CHEESEMAN: Mr. Schlichtmann has
18 just produced another question.

19 Q Do you have any knowledge how waste solvents or
20 waste material were disposed of on the W. R.
21 Grace property by any person at any time other
22 than what you have already described?

23 A I have no knowledge of how they disposed of their
24 waste material.

25 MR. SCHLICHTMANN: We have no further

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2 questions.

3 MR. CHEESEMAN: Susan?

4 MS. WINKLER: No questions.

5 (Whereupon the deposition was
6 adjourned at 11:40.)
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J U R A T

I, EDWARD ORAZINE, have read
the foregoing transcript of
testimony and the same
contains a true and accurate
recording of my answers given
to the questions therein set
forth.

Signed under the pains and
penalties of perjury this

_____ day of _____,
1985.

EDWARD ORAZINE

J U R A T

I, EDWARD ORAZINE, have read
the foregoing transcript of
testimony and the same
contains a true and accurate
recording of my answers given
to the questions therein set
forth.

Signed under the pains and
penalties of perjury this

_____ day of _____,
1985.

EDWARD ORAZINE

C E R T I F I C A T E

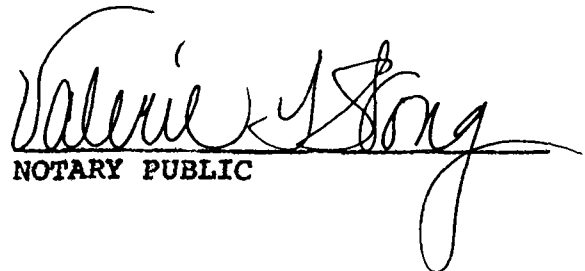
COMMONWEALTH OF MASSACHUSETTS)
) ss.
COUNTY OF NORFOLK)

I, Valerie T. Wong, Notary Public within
and for the Commonwealth of Massachusetts, do hereby
certify:

That EDWARD ORAZINE, the witness whose
deposition is hereinbefore set forth, was duly sworn by
me and that such deposition is a true record of the
testimony given.

I further certify that I am not related
to any of the parties to this action by blood or
marriage, and that I am in no way interested in the out-
come of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my seal of office this 5th day
of August, 1985.


NOTARY PUBLIC

My Commission Expires:
November 5, 1987.